



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
VERNAL DISTRICT OFFICE
170 SOUTH 500 EAST
VERNAL, UTAH 84078

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NOV 27 1991

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P 125 313 420

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NOV 29 1991

DECISION

Mr. Dale Stevens
P.O. Box 1343
Vernal, Utah 84078

DIVISION OF
OIL GAS & MINING
Operations under Notice

NOTICE OF NONCOMPLIANCE

Operations under a notice to conduct mining related activities, received October 2, 1989, on the Rainbow #1 lode claim were inspected on August 16, 1990. As a result, a letter was hand delivered to you on December 11, 1990, stating your operation was not being conducted in conformance with your notice and prescribed corrective action. This hand delivery was necessitated since you refused correspondence on this matter, mailed to your address of record, as listed on the notice, on several earlier occasions.

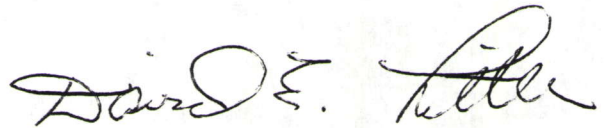
The project area was reinspected on September 11, 1991, by personnel from this office in accordance with 43 CFR 3809.3-6. During the inspection, it was found that the open exploration shaft, unfenced and about fifteen (15) feet deep, has remained in the same inactive state as found during all previous inspections. The Rainbow #1 claim was declared abandoned for lack of assessment work and the claim location case file closed by the Utah State Office on March 30, 1988. Your notice indicated that if this exploration shaft did not encounter any locatable mineral deposits, which apparently it has not gauging by the lack of exploratory or development work, the shaft would be filled and the location restored to original condition including revegetation. In this regard, you have been found to be in noncompliance concerning "failure to reclaim area disturbed by operations" under 43 CFR 3809.3-2 (b).

Within 30 days of receipt of this Notice, the shaft location is to be filled with the excavated rock material left adjacent to the shaft, to a level which matches the local slope. You may contact Dave Plume with the Diamond Mountain Resource Area (789-1362) to discuss the reclamation you are required to complete.

Immediately upon completion of these corrective actions, you must notify Dave Plume or Ron Trogstad of this office. At that time an inspection of the reclamation work will be scheduled. The inspection will determine if the reclamation is satisfactory.

Failure to satisfactorily perform the above actions within the prescribed time frames will constitute justification for requiring the submission of a Plan of Operations under 43 CFR 3809.1-5 for operations that would otherwise be conducted under a Notice filing, and mandatory bonding. It could also lead to civil action.

You have the right to appeal to the Utah State Director, Bureau of Land Management, in accordance with 43 CFR 3809.4. If you exercise this right, your appeal, accompanied by a statement of reasons and any arguments you wish to present which would justify reversal or modification of this decision, must be filed in writing at this office (BLM, Vernal District Office, 179 South 500 East, Vernal, UT 84078) within 30 days after the date of receiving this decision. This decision will remain in effect during appeal unless a written request for a stay is granted.

A handwritten signature in black ink, appearing to read "David E. Little".

David E. Little
Vernal District Manager

Enclosure

cc: Terry McParland (U-921)
Mr. Lowell Braxton (Utah Div. of Oil, Gas and Mining)
Mr. Larry Negulesco, Vernal, UT
Mr. Dale Stevens, Vernal, UT